



9-2506

ACW  
JWW

Practitioner's Docket No.: 802\_003

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Patrick T. PRENDERGAST

Ser. No.: 10/091,855

Group Art Unit: 1617

Filed: March 6, 2002

Examiner: Shobha Kantamneni

Confirmation No.: 8597

For: COMBINATION THERAPY FOR REDUCTION OF TOXICITY OF  
CHEMOTHERAPEUTIC AGENTS

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 22, 2006 under "EXPRESS MAIL" mailing label number EV 87986 1955 US.

Janet M. Stevens

REQUEST FOR CONTINUED EXAMINATION  
(37 CFR §1.114)

1. Applicant hereby requests continued examination, in accordance with 37 CFR §1.114, for the above identified application.

2. This request is being submitted:

i.  Prior to abandonment of the application

ii.  Payment of the issue fee

Prior to payment of issue fee

Issue fee has been paid but a petition under §1.313 was filed \_\_\_\_\_  
(copy attached).

iii.  Prior to a decision on appeal to the Board of Patent Appeals & Interferences

A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.

iv.  Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or

Commencement of a civil action under 35 U.S.C. 146

Prior to the filing of such appeal or commencement of civil action

Such appeal or commencement of civil action has been terminated.

09/26/2006 HLE333 00000010 10091855

01 FC:2801  
02 FC:2253

395.00 OP  
510.00 OP

3. Please Enter and Consider the following *Previously Submitted Documents*:

- Amendment filed \_\_\_\_\_.
- Brief on Appeal filed \_\_\_\_\_.
- Other:

4. Enclosed herewith is/are:

- An Information Disclosure Statement and Form PTO-1449
- An Amendment
- New arguments
- New evidence in support of patentability
- Other:

5. The filing fee has been calculated as shown below:

RCE Filing Fee (37 CFR §1.17(e))						\$ 790.00
Claims	Claims Remaining After Amendment		Highest Number Previously Paid	No. of Extra Claims Present		
Total Claims	139	Minus	139	1	\$ 50.00	\$
Independent Claims	8	Minus	8	0	\$ 200.00	
Multiple Dependent Claim(s) (if applicable)						\$ 360.00
<u>Extension of Term</u>						
a. <input type="checkbox"/>	Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.					
b. <input checked="" type="checkbox"/>	Applicant petitions for an extension of time, the fees for which are set out in 37 CFR §1.17(a)(1)-(4), for the total number of months checked below:					
	<input type="checkbox"/> One Month (37 CFR 1.17(a)(1)) .....					
	<input type="checkbox"/> Two Months (37 CFR 1.17(a)(2)) .....					
	<input checked="" type="checkbox"/> Three Months (37 CFR 1.17(a)(3)) .....					
	If an additional extension of time is required, please consider this a petition therefor.					
	<input type="checkbox"/> An extension for _____ months has already been secured, and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.					
<b>TOTAL OF ABOVE CALCULATIONS =</b>						\$1,810.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR §1.27.						\$ 905.00
<b>TOTAL FEES DUE =</b>						\$ 905.00

6. Payment of Fees

A check in the amount of \$905.00 is enclosed.

Charge Deposit Account 50-1446 in the amount of \$.

The Total Fees Due were paid via EFS on Form PTO-875.

7. Authorization to Charge Additional Fees or Credit Overpayment

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446 (a duplicate copy of this sheet is enclosed):

Any additional fees required under 37 CFR §1.17(e), §1.16(b)-(d) and/or §1.17(a)(1)-(4).

Respectfully submitted,

  
\_\_\_\_\_  
Kevin C. Brown  
Reg. No. 32,402

KCB:jms

BURR & BROWN  
P.O. Box 7068  
Syracuse, NY 13261-7068

Customer No.: 025191  
Telephone: (315) 233-8300  
Facsimile: (315) 233-8320